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Director and Health Officer

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March 05, 2013

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

**APPROVAL TO MODIFY INSURANCE REQUIREMENTS FOR THREE HIV/AIDS MEDICAL
TRANSPORTATION SERVICES CONTRACTS AND TERMINATE FOR CONVENIENCE ONE
HIV/AIDS MENTAL HEALTH PSYCHOTHERAPY SERVICES CONTRACT
(ALL SUPERVISORIAL DISTRICTS)
(3 VOTES)**

SUBJECT

Request approval to modify insurance requirements for three HIV/AIDS Medical Transportation Services contracts and terminate for convenience one HIV/AIDS Mental Health Psychotherapy Services contract with the Women Alive Coalition.

IT IS RECOMMENDED THAT THE BOARD:

1. Authorize and instruct the Director of the Department of Public Health (DPH), or his designee, to execute an amendment, substantially similar to Exhibit I, to HIV/AIDS Medical Transportation (Taxi) services contracts with: 1) Independent Taxi Owners Association of Los Angeles (Independent Taxi), Contract Number H208020; 2) San Gabriel Transit, Inc. (San Gabriel), Contract Number H-208019; and 3) United Independent Taxi Drivers, Inc. (United Independent), Contract Number H-208018, to remove the professional liability insurance requirement and reduce the sexual misconduct liability insurance with limits of not less than \$2,000,000 per claim and \$2,000,000 aggregate to \$1,000,000 per claim and \$1,000,000 aggregate, effective upon date of Board approval.
2. Authorize and instruct the Director of DPH, or his designee, to terminate for convenience Contract Number H-210967 with the Women Alive Coalition (Women Alive) for the provision of HIV/AIDS Mental Health Psychotherapy services, upon issuing a 30 calendar day advance written notice, subject to review and approval by County Counsel.



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BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

26 March 5, 2013

Sachi A. Hamai
SACHI A. HAMAI
EXECUTIVE OFFICER

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Approval of Recommendation 1 will allow DPH to amend three HIV/AIDS Taxi services contracts to modify the standard insurance requirements to: 1) remove the professional liability insurance requirement; and 2) reduce the coverage limits required for sexual misconduct liability insurance.

Professional liability insurance offers protection against liability arising out of the delivery of professional services. In consultation with County Counsel and the Chief Executive Office (CEO) Risk Management Operations, a determination has been made that this coverage is not required for the taxi drivers transporting clients to medical appointments under these contracts.

Sexual misconduct liability insurance is required when the contracted work includes the care or supervision of children, seniors, and other vulnerable persons. In these instances, the required coverage limits are not less than \$2,000,000 per claim and \$2,000,000 aggregate. Since the inception of this requirement in 2010, the three transportation providers have indicated that the required coverage is cost-prohibitive. CEO Risk Management Operations has advised DPH that modifications to the amount of coverage may be made if the following condition is met: the contractor provides services from a single service site and is having difficulty obtaining affordable coverage for sexual misconduct. In consultation with County Counsel and CEO Risk Management Operations, a determination has been made that the not less than coverage requirements may be reduced to \$1,000,000 per claim and \$1,000,000 aggregate.

Approval of Recommendation 2 will allow DPH to terminate for convenience Women Alive's HIV/AIDS Mental Health Psychotherapy services agreement, upon issuing a 30 calendar day advance written notice. On August 1, 1999, DPH contracted with Women Alive as a result of Request For Proposals, to provide mental health psychotherapy services to indigent persons with HIV/AIDS who reside in Los Angeles County including: 1) newly diagnosed individuals with mild mental health symptoms or co-occurring issues in need of treatment, follow-up, or referral services; 2) individuals with moderate to severe symptoms or difficulty in need of short-term individual or group therapy; and 3) individuals with severe symptoms in need of assessment and referral for psychiatric treatment and/or more intensive inpatient treatment.

Over the last three years, however, Women Alive has had difficulty meeting performance goals related to the individual, family, and group psychotherapy sessions provided to clients. Additionally, there have been some concerns related to the financial health of the organization. Although DPH staff has provided significant technical assistance to Women Alive, concerns remain as to the provider's capacity to meet performance goals. Women Alive has been non-responsive in DPH's attempts to contact them via email, telephone, and/or by mail to discuss agency's performance, obtain monthly reports, and coordinate a site visit to view the new service delivery sites, since their relocation on April 19, 2012. Since there has been no contact with agency, DPH concludes and has confirmed that Women Alive is no longer providing mental health services under this contract.

Implementation of Strategic Plan Goals

The recommended actions support Goal 3, Integrated Services Delivery, of the County's Strategic Plan.

FISCAL IMPACT/FINANCING

Not applicable.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

County Counsel and CEO Risk Management Operations have reviewed and approved the recommended revisions to the professional liability and sexual misconduct insurance requirements for taxi service contractors.

Contract Number H-210967 with Women Alive for the provision of HIV/AIDS Mental Health Psychotherapy services includes a provision for termination for convenience, upon issuing a 30 calendar day advance written notice.

County Counsel has approved Exhibit I as to form.

CONTRACTING PROCESS

Since April 8, 1997, the three taxi contractors have been providing transportation services to indigent HIV-positive clients. Since that time, the contracts have been amended to extend the term, adjust funding, and revise the scopes of work. On February 8, 2011, your Board approved extension of the contracts through February 28, 2013 and delegated authority to extend the contracts through February 28, 2014.

Since August 1, 1999, Women Alive Coalition has been providing Mental Health Psychotherapy services to indigent persons with HIV/AIDS that are experiencing psychological distress and reside within the County. Since that time, the contract has been amended to extend the term, adjust funding, and revise the scopes of work. On February 7, 2012, your Board approved an extension of the contract through February 28, 2014.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Approval of the recommended actions will allow DPH to continue to support HIV/AIDS medical transportation services through contracts that reflect appropriate insurance requirements.

The Honorable Board of Supervisors

3/5/2013

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Respectfully submitted,

A handwritten signature in blue ink that reads "Jonathan E. Fielding". The signature is written in a cursive, flowing style.

JONATHAN E. FIELDING, M.D., M.P.H.

Director and Health Officer

JEF:MJP:jlh

BL#02516

Enclosures

c: Chief Executive Officer
County Counsel
Executive Officer, Board of Supervisors

Contract No. H-_____

**HUMAN IMMUNODEFICIENCY VIRUS (HIV)/
ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS)
MEDICAL TRANSPORTATION SERVICES AGREEMENT**

Amendment No. ____

THIS AMENDMENT is made and entered into this _____ day
of _____, 2013,

by and between COUNTY OF LOS ANGELES (hereafter
"County"),

and
(hereafter "Contractor")

WHEREAS, reference is made to that certain document entitled "HUMAN
IMMUNODEFICIENCY VIRUS (HIV)/ACQUIRED IMMUNE DEFICIENCY SYNDROME
(AIDS) MEDICAL TRANSPORTATION SERVICES AGREEMENT", dated April 8, 1997,
and further identified as Agreement No. H-2_____, and any Amendments thereto (all
hereafter "Agreement"); and

WHEREAS, it is the intent of the parties hereto to amend Agreement to modify
the insurance requirements; and

WHEREAS, said Agreement provides that changes may be made in the form of a
written Amendment which is formally approved and executed by the parties.

WHEREAS, the Amendment Format has been approved by County Counsel.

NOW, THEREFORE, the parties agree as follows:

1. This Amendment shall be effective on date of Board approval.
2. Paragraph 9, INSURANCE COVERAGE REQUIREMENTS, Subparagraph D, Professional Liability Insurance, shall be removed from the contract.
3. Paragraph 9, INSURANCE COVERAGE REQUIREMENTS, Subparagraph E, shall be amended to read as follows:

"9. INSURANCE COVERAGE REQUIREMENTS:

E. Sexual Misconduct Liability: Insurance covering actual or alleged claims for sexual misconduct and/or molestation with limits of not less than One Million Dollars (\$1,000,000) per claim and One Million Dollars (\$1,000,000) aggregate, and claims for negligent employment, investigation, supervision, training or retention of, or failure to report to proper authorities, a person(s) who committed any act of abuse, molestation, harassment, mistreatment or maltreatment of a sexual nature."

4. Except for the changes set forth hereinabove, Agreement shall not be changed in any respect by this Amendment.

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IN WITNESS WHEREOF, the Board of Supervisors of the County of Los Angeles has caused this Amendment to be subscribed by its Director of Public Health, and Contractor has caused this Amendment to be subscribed in its behalf by its duly authorized officer, the day, month, and year first above written.

COUNTY OF LOS ANGELES

By _____
Jonathan E. Fielding, M.D., M.P.H.
Director and Health Officer

Contractor

By _____
Signature

Printed Name

Title _____
(AFFIX CORPORATE SEAL)

APPROVED AS TO FORM
BY THE OFFICE OF THE COUNTY COUNSEL
JOHN F. KRATTLI
County Counsel

APPROVED AS TO CONTRACT
ADMINISTRATION:

Department of Public Health

By _____
Patricia Gibson, Chief
Contracts and Grants Division